

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

vs.

BRANDON MICHAEL JACKSON,

Defendant.

CR-14-78-GF-BMM-JTJ

**ORDER ADOPTING FINDINGS
AND RECOMMENDATIONS OF
MAGISTRATE JUDGE
CONCERNING PLEA**

United States Magistrate Judge John Johnston entered Findings and Recommendations in this matter on February 19, 2015. (Doc. 26). Neither party filed objections. When a party makes no objections, the Court need not review *de novo* the proposed Findings and Recommendations. *Thomas v. Arn*, 474 U.S. 140, 149-52 (1986). This Court will review Judge Johnston's Findings and Recommendations for clear error. *McDonnell Douglas Corp. v. Commadore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error has taken place where the Court is left with a "definite and firm conviction that a mistake has been committed." *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Jackson appeared before Judge Johnston pursuant to Fed. R. Crim. P. 11, and Jackson entered a plea of guilty to the offense of Burglary as charged in the Superseding Indictment.

Judge Johnston made the following findings: (1) Jackson was fully competent and capable of entering an informed and voluntary plea; (2) Jackson was aware of the nature of the charge against him and the consequences of pleading guilty to the charge; (3) Jackson understands fully his constitutional rights, and the extent to which Jackson is waving those rights by pleading guilty; and, (4) Jackson's plea of guilty is a knowing and voluntary plea, supported by an independent basis in fact sufficient to prove each of the essential elements of the count charged. (Doc. 26). Judge Johnston also found that Jackson had adequate time to review the Plea Agreement with counsel, Jackson understands each provision of the agreement, and the statements in the Plea Agreement are true. *Id.* Judge Johnston recommended that this Court accept Jackson's plea of guilty to Burglary, in violation of 18 U.S.C. § 1153(b) and Mont. Code Ann. § 45-6-204(1)(a), as charged in the superseding indictment, and that sentenced be imposed. (Doc. 26).

This Court finds no clear error in Judge Johnston's Findings and Recommendations, and adopts them in full. The Court also adopts Judge Johnston's recommendation that this Court defer acceptance of the Plea Agreement

(Doc. 21) until sentencing, at which time the Court will have reviewed both the Plea Agreement and the Presentence Investigation Report.

IT IS ORDERED that Brandon Michael Jackson's Motion to Change Plea (Doc. 20) is GRANTED. **IT IS FURTHER ORDERED** that Judge Johnston's Findings and Recommendations (Doc. 26) are ADOPTED IN FULL.

DATED this 16th day of March, 2015.

A handwritten signature in blue ink, reading "Brian Morris". The signature is fluid and cursive, with the first name "Brian" and last name "Morris" clearly distinguishable. It is positioned above a horizontal line.

Brian Morris
United States District Court Judge